



DEPARTMENT OF LEGAL AFFAIRS

OFFICE OF THE ATTORNEY GENERAL

THE CAPITOL

TALLAHASSEE, FLORIDA 32301

JIM SMITH  
Attorney General  
State of Florida

July 10, 1981

Arias v. Wainwright



JC-FL-001-017

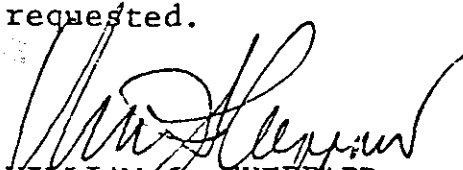
Robert L. Crongeyer  
Magistrate  
USDC-Northern District  
P. O. Box 1791  
Pensacola, Florida 32581

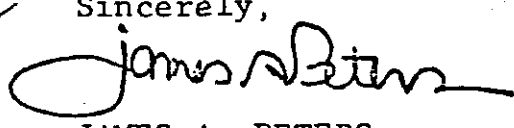
RE: Willie Arias, et al v. Louie Wainwright,  
Case No. TCA 79-0792

Dear Magistrate Crongeyer:

Enclosed is an amended page 4 of the Stipulation and Agreement previously submitted to the Court by the counsel for the parties. Paragraph 3 of III, Notice to Class, is amended to cure the procedural impasse created by the original document. Substitution of this page and consideration of it by the Court is respectfully requested.

Sincerely,

  
WILLIAM J. SHEPPARD  
Sheppard & Carithers, P.A.  
215 Washington Street  
Jacksonville, Florida  
32202

  
JAMES A. PETERS  
Assistant Attorney General  
Department of Legal Affairs  
Suite 1501-The Capitol  
Tallahassee, Florida 32301

JP:aj

Enclosure

P.S. The amended page 4 has been substituted for the original in the copies that will be mailed to the Plaintiff class within ten days of your July 9, 1981, signature on the Notice (Exhibit A).

II. Settlement Class

2. In accordance with the Court's certification Order, this action shall be maintained as a class action on behalf of all persons who now are or in the future will be confined in jails in the State of Florida.

III. Notice to Class Members

3. Pursuant to Rule 23(e), Fed.R.Civ.P., defendant shall, within ten (10) days of the Court's approval of the Notice (Exhibit A), provide notice of this Agreement and the proposed partial settlement to those members of the plaintiffs' class presently confined in Florida's jails by posting in each jail, in a place accessible to prisoners, a notice in the form attached hereto as Exhibit A. The costs of providing such notice shall be borne by defendant in his official capacity. Class members shall have twenty (20) days after notice to them to file with the Clerk of the Court any written objections to this Agreement or the proposed partial settlement. All objections will be considered fully by the Court.

IV. Submission to the Court of Proposed Partial Settlement and Use of Best Efforts to Obtain Approval

4. Promptly upon execution of this Agreement, counsel for the parties shall jointly submit such Agreement to the Court for its approval and recommend that the Court approve the Agreement. Counsel for both parties also shall take all steps that may be required or requested by the Court and use their best efforts to consummate this partial settlement, obtain the Court's approval of this Agreement, and obtain entry of a final judgment.